

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated February 6, 2008, issued in response to Applicants' Response to Non-Final Office Action, dated November 20, 2007 ("Response to Non-Final").

Rejection of Claims under 35 U.S.C. § 102

Claims 8-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,946,696 issued to Young ("Young"). *See* Office Action, p. 2. Applicants traverse this rejection for the same reasons given in the Response to Non-Final, adding the following clarifications.

Regarding claim 8, Applicants argued in the Response to Non-Final that

. . . the Office Action equates Young's original object 100, as shown in FIG. 1A, with the first storage object of claim 8. However original object 100 is not a storage object. Young states that original object 100 "is a text box displayed on a video display by a computer program." *See* Young 3:14-20. One with ordinary skill in the art at the time of invention would not understand a text box displayed on a video display to be the same thing as a hard disk, JBOD storage system, RAID storage system, a data mirror, etc.

See Response to Non-Final, p. 8. In reaction to this argument the Office Action states:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a hard disk, JBOD storage system, RAID storage system, a data mirror) are not recited in the rejected claims(s). . . . Note the claimed language of claim 8 does not specifically define storage object being stored in a specific storage system. Thus, Young teaches the broad claimed limitations as recited in claim 8.

See Office Action, p. 8.

Applicants submit that it is clear that their intent in mentioning a "hard disk, JBOD storage system, RAID storage system, a data mirror, etc." was to aid the Examiner

in appreciating the perspective of a person having ordinary skill in the art as being one which would deny that a text box displayed on a video display is a storage object (by providing examples of items that a person of ordinary skill in the art would recognize as storage objects). Nevertheless, Applicant's argument can be restated without referring to specific examples of storage objects. Applicant's argument is that the cited sections of Young fail to teach storage objects of any type. Instead the cited sections teach "a text box displayed on a video display." A person having ordinary skill in the art would deny that a text box is a storage object.

Thus, for at least the reason that the cited sections of Young fail to teach or mention storage objects, Applicants respectfully request the withdrawal of the rejection against claim 8. Since all other rejected claims are dependent upon claim 8, Applicants further request the withdrawal of the rejection of these claims.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-5, 12-16 and 19-21

Claims 1-5, 12-16 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,826,600 issued to Russell ("Russell") in view of U.S. Patent No. 6,065,011 issued to Bulusu et al. ("Bulusu"). *See* Office Action, p. 4. Applicants traverse this rejection for the same reasons given in the Response to Non-Final, adding the following clarifications.

Regarding claim 1, Applicants argued in the Response to Non-Final that

... even if Bulusu teaches "the computer system choosing the first storage object to be the component storage object due to the property of the first storage object" and even if Bulusu's data sets are instances of storage objects, the modification of Russell proposed by the Office Action would result in an invention that fails to

perform the function for which the invention of Russell was designed according to the principles of Russell.

See Response to Non-Final, p. 12. Applicants stated that this result

follows from the facts that (1) the Office Action equates Russell's local object specification 150 with the first storage object of claim 1 and Russell's global object specification 160 with the second storage object of claim 1 (*see* Office Action p. 4), and (2) Russell teaches against global object specification 160 comprising local object specification 150.

Id. The reason Applicants gave for the assertion that Russell teaches against global object specification 160 comprising local object specification 150 was that

... Russell requires that local [object] identification 152 of local object specification 150 be replaced with global object [identification] 162 to create global object specification 160. *See* Russell 14: 4-54, especially lines 46-50. Thus, global object specification 160 cannot comprise local object specification 150 since Russell teaches that global object specification 160 fails to comprise *at least some part of* local object specification 150, namely local [object] identification 152.

Id. (Emphasis Added.) Therefore, Applicants concluded that

... the invention disclosed in Russell would fail to perform, according to the principles of Russell, the function for which the invention of Russell was designed if Russell was modified such that the first storage object (local object specification 150) was chosen to be the component storage object which the second storage object (global object specification 160) comprises.

Id.

Reacting to Applicants' argument, the Office Action stated:

In response to applicant's argument that the modification of Russell proposed by the Office action would result in an invention that fails to perform the function for which the invention of Russell was designed according to the principles of Russell, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; not it is that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *See in re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

See Office Action, p. 10.

However, Applicants were not arguing in the Response to Non-Final that the features of Bulusu cannot be bodily incorporated into the structure of Russell. Nor were Applicants arguing that the claimed invention must be expressly suggested in any one or all of the references. Applicants were arguing that the proposed modification would change the principle of operation of Russell by requiring Russell's global object specification 160 to comprise Russell's local object specification 150. As stated in MPEP 2143.01 (VI), "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."

Further reacting to Applicants' argument, the Office Action stated:

In addition, Russell clearly teaches to copy all the object properties from each respective local object definition into a set of respective global object properties in newly defined respective set of global object definitions (col. 14 lines 22-28). Thus, the global object definitions of Russell obviously comprise local object definitions and the claimed invention are taught by the combination of Russell and Bulusu.

See Office Action, p. 11. However, the Office Action seems to be confusing Russell's object properties 153 and 163 with Russell's object identifications 152 and 162, or the Office Action seems to have misunderstood Applicants' argument. Applicants argue that it follows from the fact that Russell's global object specification 160 fails to comprise Russell's local object identification 152 that Russell's global object specification 160 cannot comprise Russell's local object specification 150 since Russell's local object specification 150 comprises Russell's local object identification 152. Thus, even if Russell's global object specification 160 comprises all of Russell's object properties 153, Russell's global object specification 160 would still fail to comprise Russell's local

object specification 150 since it still fails to comprise Russell's local object identification 152.

Thus, for at least the reason that the proposed combination of Russell and Bulusu requires a change in the principle of operation of Russell by requiring Russell's global object specification 160 to comprise Russell's local object specification 150, Applicants argue that this combination is not sufficient to render claim 1 *prima facie* obvious, according to the requirements discussed in MPEP 2143.01 (VI). Thus, for at least this reason, Applicants request the reconsideration and withdrawal of this rejection against claim 1. Likewise, since independent claims 12, 19, 20, and 21 are rejected for the same reasons as claim 1 (*see* Office Action, pp. 6 and 7), Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 12, 19, 20, and 21. Finally, since all remaining claims are dependent upon one of the independent claims 1, 12, 19, 20, and 21, Applicants respectfully request the reconsideration and withdrawal of the rejection against all remaining rejected claims.

Claims 6-7 and 17-18

Claims 6-7 and 17-18 stand rejected under 35 u.s.c. §103(a) as being unpatentable over U.S. Patent no. 6,826,600 issued to Russell ("Russell") in view of U.S. Patent No. 6,065,011 issued to Bulusu et al. ("Bulusu"), and further in view of U.S. Patent Application No. 2003/0229698 issued to Furuhashi et al. ("Furuhashi"). *See* Office Action, p. 7. Applicants respectfully traverse this rejection on the grounds that claims 6-7 and 17-18 are, respectively, dependent upon one of allowable base claims 1 and 12. Therefore, Applicants respectfully request the withdrawal of this rejection.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric A. Stephenson', with a stylized, sweeping flourish extending to the right.

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